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GOVERNMENT OF KERALA

General Administration(Minority Welfare)Department

NOTIFICATION

G.O.(P)No.5/2024/GAD

Dated, Thiruvananthapuram, 1st February, 2024

S. R. O. No. 117/2024

In exercise of the powers conferred by section 47 of the Haj Committee Act, 2002 (Central Act 35 of 2002), the Government of Kerala, hereby makes the following rules further to amend the Kerala State Haj Committee Rules, 2020, issued by notification under G.O.(P) No.17/2020/GAD. dated 23rd October, 2020 and published as S.R.O. No.808/2020



in the Kerala Gazette Extraordinary No.2709 dated 9th November, 2020,namely:-

RULES

1. *Short title and commencement.*—(1) These rules may be called the Kerala State Haj Committee (Amendment) Rules, 2024.

(2) They shall come into force at once.

2. *Amendment of the Rules.*- In the Kerala State Haj Committee Rules, 2020,-

(1) in third sentence in the introductory part, for the word “make”, the word “makes” shall be substituted.

(2) In the marginal heading of rule 1, for the word “commencements”, the word “commencement” shall be substituted.

3. In rule 2,-

(a) in sub-rule (1) ,-

(i) (aa) “Auditor” means an auditor of the Kerala State Audit Department.

(ii) In clause (d) for the word “Committee”, the words “State Committee” shall be substituted.

(b) in sub -rule (2),-

(i) for the word “meanings” the word “meaning” shall be substituted;

(ii) for the word “that Act” the words “the Act” shall be substituted.

4. for sub-rule (1) of rule 3, the following sub-rule shall be substituted, namely:-



“(1) The Kerala State Haj Committee shall consist of the following sixteen members nominated by the Government, as provided under section 18 of the Act, namely:

- (a) one member from among the Muslim Members of the Parliament representing the State ;
- (b) two members from the Muslim Members of the State Legislative Assembly;
- (c) three Muslim Members from the local bodies in State;
- (d) three members having expertise in Muslim theology and law including one who shall be a shiya Muslim;
- (e) five members from Muslim Voluntary Organizations working in the fields of Public Administration, Finance, Education, Culture or Social Work;
- (f) the Chairperson of the Kerala State Wakf Board ; and
- (g) Executive Officer of the State Committee, who shall be the ex-officio member of the State Committee.”

5. In rule 4,-

(i)in sub-rule (1),-

(a) for the words “Forty five”, the words and symbol “Forty-five” shall be substituted.

(b) for the words “the time”, the words and symbol “the date, time”, shall be substituted;

(c) in the proviso, for the words “ the *ex officio* members”, the words and symbol “an *ex-officio* member”, shall be substituted.

(ii) in sub-rule(4) , for the word “ Chairman” the word “chairperson” shall be substituted:

(iii) in sub-rule (5), in the first sentence for the word “chairperson” , the word “Chairperson” shall be substituted.



6. for rule 5, the following rule shall be substituted, namely:-

“5. Reconstitution of the State Committee.- The reconstitution of the State Committee provided in section 22 of the Act shall be regulated as follows, namely:-

(a) the Government shall take or forced to be taken all necessary steps for the reconstitution of the new State Committee at least 'four' months before the expiry of the term of the committee.

(b) an outgoing member shall be eligible for re-nomination of the State Committee for not more than two terms:

Provided that fifty percent of the nominees may be re-nominated for a second term in such manner as follows;

(i) the Member of Parliament and one of the two members from the State Legislative Assembly may be re-nominated in the first instance.

(ii) at least one member each may be re-nominated from the categories of members presenting local bodies in the State, members having expertise in Muslim theology and law, and members representing Muslim voluntary organizations working in the fields of public administration, finance, education, culture or social work.

7. rule 6 shall be omitted;

8. in rule 7,-

(i) in sub-rule (1), after the words “as may be fixed by Chairperson”, the symbol “.” shall be inserted;

(ii) in sub-rule (2) for the words, bracket and symbol “sub rule (1) of rule 8” the words bracket, figure and symbol “sub-rule (1),” shall be substituted;

(iii) in the proviso of sub-rule (2) the following proviso, shall be substituted namely:-

“Provided that the Chairperson may fix an extraordinary meeting of the Committee on receiving a written requisition by at least one-third of the members of the State Committee. Such meeting should be convened on a date not later than four days from the date of receipt of such requisition.”



9. in rule 8,-

- (i) in sub-rule (1), after the word “meeting”, the symbol “.” shall be inserted;
- (ii) in sub-rule (4), after the words “the consent of”, the words “a majority of” shall be inserted;

10. in rule 9,-

- (i) after the marginal heading, the bracket and figure “(1)” shall be omitted;
- (ii) after the word “attending”, the symbol “,” shall be omitted;
- (iii) for the word and symbol “State;”, the word and symbol “State:” shall be substituted;
- (iv) in the first proviso, -
 - (a) for the words “member of Parliament”, the words “Member of Parliament” shall be substituted;
 - (b) for the words “House of the people”, the words “House of the People” shall be substituted;
- (v) in the third proviso, for the words “abroad travel”, the words “travel abroad” shall be substituted.

11. for rule 10, the following rule shall be substituted, namely:-

“Terms and conditions of Service of the Executive Officer.-(1) The Government shall appoint a person, from amongst its officers not below the rank of Deputy Secretary to Government, to be the Executive Officer of the State Committee:

Provided that the person so appointed shall preferably be a Muslim.

(2) The Government shall pay the Executive Officer such salary and allowances as that of his parent Department or as be fixed by the Government from time to time and shall make such contributions towards his leave allowances, pension and provident fund as may be required by the conditions of the Service.

i The Terms and Conditions of Service of Executive Officer and Employees of the Committee and General Conditions of Recruitment, Appointment, Retirement Benefits, Leave Rules, Conduct Punishment and



Appeals etc., as mentioned in Chapter V may be as per State Government Service Rules;

ii There should not be any financial liability on Haj Committee of India on account of above developments.

(3) When disciplinary proceedings have to be initiated against the Executive Officer, the Secretary to the Government in the General Administration Department shall make an enquiry against such officer and report to the Government and the Government shall have the power to impose any penalty as contemplated under the Kerala Civil Services (Classifications, Control and Appeal) Rules, 1960.

(4) State Haj Committee can propose to State Government to remove the Executive Officer by a resolution with two -third attendance of members and majority of the committee voting on valid reasons like misappropriation, dereliction of duty or action against the interest of pilgrims. Decision of State Government shall be final in these cases.

(5) The Government Servants' Conduct Rules, 1960 for the time being in force shall apply to the Executive Officer.

(6) The Confidential Report on the work and conduct of the Executive Officer shall be prepared and forwarded by the Chairperson.

12.in sub- rule (1) of rule 12,-

(a) for the words “the rules relating to casual leave for Government servants and the leave rules”, the words “The rules relating to leave” shall be substituted;

(b) for the word “committee”, the word “Committee” shall be substituted.

13. in rule 14,-

(i) for sub-rule (1), the following sub-rule shall be substituted namely:-

“The Executive Officer shall prepare the cadre strength and staff pattern of the employees required for the working of the office of the Committee, whose pay and allowances are debited to the Haj Fund Account indicating name of the Post, Scale of Pay and other allowances, total number of posts required, number of temporary posts required during Haj seasons, qualifications and eligibility for the post, method of appointment, terms and conditions of appointment etc., soon after the publication of the notification of these rules and place it before the



Committee.”

- (ii) in sub-rule (2), for the words “cadre strength”, the words, figure, symbol and bracket “proposals in sub-rule (1)” shall be substituted;
- (iii) in sub-rule (3), for the words “any changes”, the words “any change” shall be substituted;
- (iv) in sub-rule (4), for the words, figures, symbol and brackets “sub-rule (1) and (2)”, the words, figures, symbol and bracket “sub-rule (2)” shall be substituted;
- (v) in sub-rule (6),
 - (a) after the words “the Kerala Civil Services (Classification, Control and Appeal) Rules”, the symbol “,” shall be inserted;
 - (b) for the word “Servants”, the word “Servants” shall be substituted.

14. in rule 15,-

- (i) in sub-rule (1), for the words “committee at least sixty days before the beginning of the financial year”, the words “Committee before the month of September every year” shall be substituted;
- (ii) in sub – rule(3), for the word “alteration”, the word “alterations” shall be substituted;
- (iii) in sub – rule (7),
 - (a) for the word “year”, the words “financial year” shall be substituted;
 - (b) for the word “supplemental”, the word “supplementary” shall be substituted.

15. in rule 16,-

- (i)in the marginal heading, for the word “fund”, the word “Fund” shall be substituted;
- (ii) in sub-rule (1), for the words “shall from”, the words “shall form” shall be substituted;
- (iii) in clause (b) of sub-rule(4), the words and symbol “The State Co-operative Bank”, the words and symbol “ the State Co-operative Bank.” shall be



substituted;

(iv) for sub-rule (8), the following sub-rule shall be substituted, namely:-

“All payments from State Haj Fund shall be made by cheque/e.pay.”

(v) in sub-rule (9), for the words “accounts books”, the words “accounting books” shall be substituted;

(vi) in sub-rule (10), for the words “brought to the account”, the words “brought to account” shall be substituted;

(vii) in sub-rule (11), for the words “to censure the fees”, the words and symbol “to ensure that/whether the fees ” shall be substituted;

(viii) for sub-rule (14), the following sub-rule shall be substituted, namely:-

“Disposal of any immovable assets of the State Haj Committee should be with the permission of Government. In the case of movable assets it can be disposed off on usual procedures up to the book value of rupees ten thousand by the committee and above rupees ten thousand with the sanction from the Government.”

(ix) in sub-rule (15), for the words “State Government”, the word “Government” shall be substituted.

16.in rule 17,-

(i) in sub-rule (1), for the words “The Director of Local Fund Audit”, the words “The Director of Kerala State Audit Department” shall be substituted;

(ii) in sub-rule (3), for the words “auditors report”, the words “audit report” shall be substituted;

(iii) in sub-rule (4), for the words “ an auditor in his report be”, the words “an audit report shall be” substituted.

17. for sub-rule (3) of rule 18, the following sub-rule shall be substituted, namely:-

“Where the Committee propose to enter into any contract for the supply of material or for the execution of any work, the Committee shall:-



(a) invite tenders by advertising them in at least two newspapers having wide circulation in the State, if the estimated cost of such material or work exceeds rupees twenty - five thousand.

(b) invite quotations by publishing notice on the notice board of the office of the Committee, if the estimated cost of such material or work does not exceed rupees twenty - five thousand.

18. in rule 20,-

(i) in sub-rule (1), for the words “the Chairperson”, the words “The Chairperson” shall be substituted;

(ii) sub-rule (3) shall be omitted.

19. for rule 21, the following rule shall be substituted, namely:-

“The Executive Officer shall forward an annual report on the working and administration of the Committee for each year within thirty days after the end of the financial year in such form, with such details to the Government with the approval of the Committee. The report of the Executive Officer shall be prepared in Form 1 appended to these rules.”

20. for sub-rule (1) of rule 22, the following sub-rule shall be substituted, namely:-

“A person requiring a copy of minutes, records or proceedings or any document of the Committee shall present an application giving his full name and address and as accurate a description as possible.”

21. in rule 23,-

(i) in sub-rule (1), for the words “copy of minutes or record or proceedings or document”, the words “copies of minutes or records or proceedings or documents” shall be substituted;

(ii) in sub-rule (3), after the word “original”, the symbol “,” shall be inserted.



22. for sub-rule (1) of rule 24, the following sub-rule shall be substituted, namely:-

“The Executive Officer or such other officer authorised by him to issue copies of minutes or records or proceedings or any other documents of the Committee shall keep a register to record the grant of copies of extracts of the records.”

23. rule 25 shall be omitted.

24. for rule 26, the following rule shall be substituted, namely:-

“In case of any provisions of the Kerala State Haj Committee Rules are not in conformity with the provisions contained in the Act, provisions of the Act will prevail.”

25. in the Explanatory Note, for the words and figures “Haj Committee Act 1959”, the words, figures, symbol and bracket “Haj Committee Act,1959 (Central Act 51 of 1959) shall be substituted.



In the existing rule the following form shall be added, namely:-

FORM I

THE KERALA STATE HAJ COMMITTEE RULES, 2020

(See rule 21)

Annual Report

1. The constitution of the Committee:
2. The composition of the Committee:
3. Words from Chief Executive Officer:
4. Officers and employees:
5. Objective, Vision and Mission:
6. Function, powers and procedures:
7. New services in next year:
8. The funds:
9. Audit of accounts:
10. Annual Statistics:
11. General remarks:
12. Conclusion:

By order of the Governor,
MINI ANTONY IAS
Secretary to Government.



Explanatory Note

(This does not form part of the notification, but is intended to indicate its general purport.)

The Government of Kerala have framed the Kerala State Haj Committee Rules, 2020 as per the notification issued under G.O.(P) No.17/2020/GAD. dated 23rd October, 2020 and published as S.R.O. No.808/2020 in the Kerala Gazette Extraordinary No.2709 dated 9th November, 2020 and amended the said rules as per G.O.(P)No.11/2022/GAD. dated 30th March, 2022 and published as S.R.O. No.339/2022 in the Kerala Gazette Extraordinary No.1144 dated 2nd April, 2022. Subordinate Legislation Committee (2021-23) in its 20th report has examined the rules in detail and recommended certain amendments in the said rules. Hence the Government have decided to amend the said rules in accordance with the recommendations of the Committee.

This notification is intended to achieve the above object.

